

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 11,215

IN THE MATTER OF:

Served March 12, 2008

E. TRANSPORTATION SERVICE LLC,)
Suspension and Investigation of)
Revocation of Certificate No. 919) Case No. MP-2007-281

This matter is before the Commission on respondent's response to Order No. 11,050, served December 27, 2007.

Under the Compact, a WMATC carrier may not engage in transportation subject to the Compact if the carrier's certificate of authority is not "in force."¹ A certificate of authority is not valid unless the holder is in compliance with the Commission's insurance requirements.²

Commission Regulation No. 58 requires respondent to insure the revenue vehicles operated under Certificate No. 919 for a minimum of \$1.5 million in combined-single-limit liability coverage and maintain on file with the Commission at all times proof of coverage in the form of a WMATC Certificate of Insurance and Policy Endorsement (WMATC Insurance Endorsement) for each policy comprising the minimum.

Certificate No. 919 was rendered invalid on December 27, 2007, when the \$1.5 million primary WMATC Insurance Endorsement on file for respondent terminated without replacement. Order No. 11,050 noted the automatic suspension of Certificate No. 919 pursuant to Regulation No. 58-02, directed respondent to cease transporting passengers for hire under Certificate No. 919, and gave respondent thirty days to replace the cancelled endorsement and pay the \$50 late fee due under Regulation No. 67-03(c) or face revocation of Certificate No. 919.

Respondent paid the \$50 late fee on January 22 and submitted a \$1.5 million primary WMATC Insurance Endorsement on January 31. The effective date of the new endorsement is January 18, 2008. This means that respondent was without insurance coverage for twenty-two days, from December 27, 2007, through January 17, 2008.

Under Commission Rule No. 28, respondent is required to verify that it ceased transporting passengers for hire under Certificate No. 919 as directed by Order No. 11,050. Inasmuch as respondent's only tariff is for service rendered to clients of Medical

¹ Compact, tit. II, art. XI, § 6(a).

² Compact, tit. II, art. XI, § 7(g).

Transportation Management Inc, (MTM), such verification would need to include confirmation from MTM.³

Respondent has filed the affidavit of its president, Walter O. Royster, verifying that respondent ceased operating as of December 27, 2007. MTM has confirmed that it assigned no passengers to respondent after December 27, and respondent has produced affidavits from its MTM passengers and affidavits from two other WMATC carriers confirming that respondent did not transport MTM passengers on December 27.

Based on the evidence, the suspension shall be lifted and this proceeding terminated.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS YATES AND CHRISTIE:



William S. Morrow, Jr.
Executive Director

³ See *In re Perkins Ambulance & Wheelchair Serv., Inc.*, No. MP-04-203, Order No. 8570 (Mar. 4, 2005) (requiring corroboration from sole client).